

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:08CR289
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
JEROME W. OSBERGER,)	
)	
Defendant.)	

This matter is before the court on defendant's motion to depose Hari Rana, a resident of Sidney, Australia, Filing No. [25](#). Previously, the parties argued before the magistrate judge that defendant should be allowed to depose Mr. Rana, and the magistrate judge denied the motion. Filing No. [44](#). Defendant appeals the ruling of the magistrate judge, Filing No. [50](#). In his appeal, defendant has now proposed arguments, not previously presented to the magistrate judge, as to why this court should permit the defendant to attempt to take the deposition of Mr. Rana. Because the defendant has presented these new arguments, the court will schedule a hearing concerning the request to take Mr. Rana's deposition. The court expects the attorneys to be prepared to argue the merits of defendant's motion; whether defendant intends to waive his right to a speedy trial if the court grants his motion; payment of the costs associated with taking this deposition; the necessity of the deposition; and the procedural implications of taking the deposition, if the motion is granted. Additionally, this court orders Pretrial Services to be present at the time of the hearing.

THEREFORE, IT IS ORDERED that a hearing will be held in the above matter before the undersigned, at Courtroom No. 3, Roman Hruska Courthouse, 118 S. 18th Plaza, Omaha, Nebraska, on **February 11, 2009 at 10:00 a.m.** The defendant must be present for this hearing.

DATED this 4th day of February, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge